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8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 DECRICK STEPHENS,

11 Plaintiff,

12 v.

13 AMANDA WALL et al.

14 Defendants.

CASE NO. 3:11-cv-05514-BHS-JRC

REPORT AND  
RECOMMENDATION

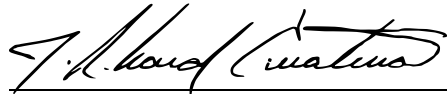
NOTED FOR: SEPTEMBER 2, 2011

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16 This 42 U.S.C. § 1983 civil rights action has been referred to the undersigned Magistrate  
17 Judge pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate Judge Rules MJR 1,  
18 MJR 3, and MJR 4. Plaintiff has moved for in forma pauperis status. The court recommends the  
19 motion be DENIED because plaintiff has filed this action in the wrong court. Plaintiff is an  
20 inmate in a prison in Gatesville Texas. Plaintiff is attempting to sue federal agents from  
21 Washington D.C.. This action has no connection to the Western District of Washington. A  
22 district court has wide discretion in deciding whether to grant an inmate the privilege of  
23 proceeding in forma pauperis. Here, the action should have been filed as a Bivens action in the  
24 United States District Court for the District of Columbia. Bivens v. Six Unknown Named

1 Agents of the Federal Bureau of Narcotics, 403 U.S. 388 (1971). The United States District  
2 Court in the District of Columbia has jurisdiction over claims arising in Washington D.C. --  
3 where the named defendants work. As the action is not properly in this court, the court should  
4 not grant plaintiff in forma pauperis status and obligate him to pay a three hundred and fifty  
5 dollar filing fee. The court recommends the motion to proceed in forma pauperis be DENIED.

6 Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have  
7 fourteen (14) days from service of this Report to file written objections. See also Fed. R. Civ. P.  
8 6. Failure to file objections will result in a waiver of de novo review by the District Court Judge.  
9 See, 28 U.S.C. 636 (b)(1)(C). Accommodating the time limit imposed by Rule 72(b), the clerk is  
10 directed to set the matter for consideration on September 2, 2011, as noted in the caption

11 Dated this 9th day of August, 2011.

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14 J. Richard Creatura  
United States Magistrate Judge  
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